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Ithaca, NY 14850
July 27, 2009

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
c/o 9300 East Hampton Drive
Capitol Heights, MD 20743

via Federal Express

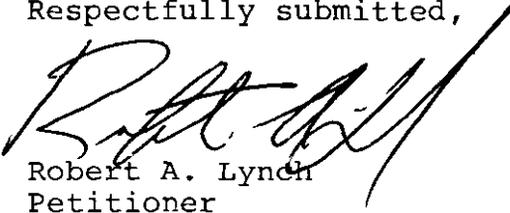
Dear Ms. Dortch:

On behalf of the undersigned, I hereby submit the enclosed PETITION FOR RECONSIDERATION (Partial Reconsideration only) in MB Docket No. 07-172, RM-11338, the Report And Order whereby the Commission amended service and eligibility rules for FM Broadcast Translator Stations.

In accordance with Section 1.429 of the Commission's Rules, the original and eleven (11) copies of the Petition are enclosed.

As the Report And Order in this proceeding was adopted and released on June 29, 2009, this Petition is timely filed.

Respectfully submitted,



Robert A. Lynch
Petitioner

cc: Mr. A. Wray Fitch III
Gammon & Grange, P.C.
(counsel for Petitioner)

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Before the
Federal Communications Commission
Washington, D.C. 20554

Received & Inspected

JUL 28 2009

FCC Mail Room

In the Matter of)
)
Amendment of Service and) MB Docket No. 07-172
Eligibility Rules for) RM-11338
FM Broadcast Translator Stations)
)
)
)

PETITION FOR RECONSIDERATION

(Partial Reconsideration)

To: The Commission;

Robert A. Lynch, Individual ("Petitioner") hereby submits this Petition for (Partial) Reconsideration of the REPORT AND ORDER ("R & O"), adopted June 29, 2009, in the above-referenced proceeding. By that action, the Commission adopted various changes to its FM translator rules to permit AM broadcasters to retransmit their stations' programming over currently authorized FM translators. This Petitioner wholeheartedly endorses the Commission's initiative to, for the first time, allow AM broadcasters to utilize an additional aural outlet, the FM translator, to enhance their stations' viability within their licensed coverage areas. This petition's sole purpose is to encourage the Commission to revisit and remove the limitation [embodied in the revised Section 74.1232, Paragraph (d)] that only "*currently authorized*" FM translators, namely those authorized by license or construction permit valid on May 1, 2009, be eligible to retransmit AM stations' signals.

Petitioner maintains the restriction embodied in the revised Section 74.1232 (the "eligibility limitation") is unduly arbitrary and stands contrary to the Public Interest. The limitation constrains the ability of AM licensees to secure available translator outlets, while tying the hands of translator owners who would like to provide them. The Commission has declined to demonstrate how the eligibility limitation would provide any concomitant benefit, either quantitatively or qualitatively, to any other

full-facility FM or low power FM ("LPFM") broadcaster. As such, the eligibility limitation appears to serve as an impediment to fulfilling the "bedrock goals", as stated in the R & O's opening paragraph, of "localism, competition, and diversity in the broadcast media."

PETITIONER'S STANDING:

Petitioner Robert A. Lynch advances these arguments both as one who supports the concept of competitively viable AM radio, and as an individual who has a personal interest in the outcome of this proceeding. Mr. Lynch is the applicant for two FM broadcast translators in the non-reserved band. Both translators would serve the Greater Ithaca, New York (Tompkins County) market. As neither translator has yet been granted a construction permit, neither would be permitted, under the currently-revised rules, to retransmit the signal of an AM station. Petitioner's first application, one which would serve Ithaca, NY, under FCC File No: BNPFT-20030317KJC, superseded by File No: BNPFT-20080620ADO, was submitted in the FM translator window of 2003. It cleared cut-off more than a year ago, only to find itself faced with a Petition to Deny filed by a local broadcaster. 1/ Though final pleadings in this matter were submitted last October, the Commission has yet to provide its determination. The Petitioner's second FM translator application, File No: BNPFT-20030317AFE, which seeks to serve the community of Lansing, NY, was also tendered during the 2003 FM translator window. Mutually-exclusive with another local translator application 2/, Petitioner's second application will likely be designated for auction.

Apart from his endeavors as a translator applicant, Petitioner is also the president, a director, and majority shareholder of Romar Communications Inc., Ithaca, NY. Romar Communications Inc.

1/ See "Petition to Deny" by Saga Communications of New England, LLC, July 29, 2008; "Opposition to Petition to Deny" by Robert A. Lynch, August 21, 2008; "Reply to Opposition to Petition to Deny" by Saga Communications of New England, LLC, August 29, 2008; also Applicant Robert A. Lynch's Engineering Amendments of August 18, 2008 and October 9, 2008.

2/ See BNPFT-20030317KMO, "East Ithaca", NY; by Applicant Calvary Chapel of the Finger Lakes, Inc.

has currently pending a construction permit application for a new AM broadcast station to serve Lansing, NY 3/. The instant application, originally submitted in 1997, was resubmitted as part of AM Auction #32 and awaits potential auction. As a result, Petitioner could not only find himself the provider of FM translator services, but also its beneficiary.

Petitioner Robert A. Lynch has served since 1987 as an allocations engineer with the firm, Independent Broadcast Consultants, Inc., Trumansburg, New York. He has authored, or assisted in the preparation of, numerous AM and FM broadcast applications, including those for FM broadcast translators. He is familiar with the rules of AM and FM allocation, and well aware of the challenges facing the modern-day broadcaster. He wishes nothing more than to see the radio industry, particularly the home-town AM broadcaster, succeed.

OVERVIEW:

By this Petition for Reconsideration, this Petitioner proposes the Commission amend its revised final sentences inserted at the end of Section 74.1232(d) by striking the two final sentences specified in the R & O. Specifically, the closing sentences to Section 74.1232(d) should read:

"An FM translator providing service to an AM fill-in area will be authorized only to the permittee or licensee of the AM radio broadcast station being rebroadcast, or, in the case of an FM translator authorized to operate on an unreserved channel, to a party with a valid rebroadcast consent agreement with such a permittee or licensee to rebroadcast that station as the translator's primary station." (End of section.)

As will be discussed in the paragraphs that follow, Petitioner believes the elimination of the "eligibility limitation" specified in the R & O will provide greater opportunity for both the AM broadcaster and the translator owner (often one and the same); eliminate establishment of a two-tiered double-standard for pre- and post-May 2009 translator owners; and impose no definable hardship upon either existing FM broadcasters or LPFM applicants.

3/ See: (BNP)-19971126AH;; also BNP-20020522AAM

DELETION OF THE "ELIGIBILITY LIMITATION" WOULD NOT ADVERSELY IMPACT FM BROADCASTERS OR LPFM APPLICANTS:

In its R & O, the Commission makes clear it considers the establishment of new full-power and low-power (LPFM) FM stations a more immediate objective than that of FM translators. This Petitioner has no quarrel with the Commission's priorities. The Commission reiterates its opinion that the FM band is "maxed out," and that few FM spectrum opportunities remain. Indeed, that may be true. But the R & O fails to justify how insertion of the "eligibility limitation" for AM broadcast use of pending FM translator applications would relieve spectrum overcrowding or open more opportunities for LPFM applicants in the next filing window.

The Commission's intent, plainly stated in the R & O, is that it will accept applications for new LPFM broadcast stations prior to those for additional FM translators. Not one new FM translator proposal can be advanced, either by an AM broadcaster or anyone else, until LPFM applicants get their crack at spectrum. Nonetheless, the R & O states:

"...we do believe that creating greater demand for future FM translator authorizations by allowing them to be used by AM as well as FM stations could adversely affect opportunities for new LPFM stations. Accordingly, we will limit the rule change being adopted here to currently authorized FM translators." 4/

The Commission fails to provide any evidence, anecdotal or otherwise, as to how the above-stated "eligibility limitation" would reduce the number of band-cluttering FM translator applications on the Commission's self-defined translator "backlog." Indeed, the FM spectrum may be "maxed out." True, LPFM filing opportunities may be limited. But, put plainly, "that horse has already left the barn."

The only way the Commission could significantly reduce the impact of translators on LPFM filing opportunities would be to summarily (or selectively) dismiss those applications for new FM translators not yet awarded construction permits. The Commission has given no indication it intends such an action. Nor is it likely. Any large-scale translator dismissal would, no doubt, bring a tangle of litigation which could lock the Commission and translator

4/ See the "Report & Order", MM Docket No. 07-172, Paragraph 20.

applicants in the courts for years. Secondly, by dismissing the presumably hundreds of mutually-exclusive translator filings, the Commission would deny itself the expected millions of dollars in auction revenue competitive bidding is likely to generate.

Quite clearly, the crush of applications, most submitted in the 2003 commercial translator filing window, is here to stay. Those "singletons", either granted since May 1, 2009, or awaiting resolution of legal or technical issues, will likely be licensed and go on the air. Mutually-exclusive submissions will be resolved through auction; successful bidders subsequently awarded permits. The universe of FM translator operations will grow, and LPFM opportunities diminish, whether or not the eligibility limitation is put in place,

Perhaps the Commission (or some commenters) is under the mistaken belief that by restricting AM broadcasters' access to new FM translators, some of the many FM translator applications currently on file will simply evaporate. No evidence has been placed in the record to support this contention. The Commission should remember that each FM translator application placed on file during the 2003 window was required to specify an *FM*, not *AM*, station for rebroadcast. They are still restricted to *FM*-only rebroadcast. When granted authorizations, the permittees are likely to seek a return on their investment, not throw it away. Should the Rules not permit rebroadcast of an *AM* station, the permittees/licenseses will transmit an appropriate *FM* station. While the translator asset might carry somewhat diminished value, given its restricted access, its economic worth would remain. *FM* spectrum clutter would continue, indeed worsen. *LPFM* opportunities would remain few and far between. *FM* broadcasters would face ample choices of new translators to carry their programming. Only the *AM* broadcaster, especially the one who declined to secure a Special Temporary Authorization ("*STA*") ahead of this Docket's resolution, would suffer hardship from the eligibility limitation the Commission has embraced. Barring contrary evidence to support the Commission's case, the eligibility limitation now attached to Section 74.1232(d) simply makes no sense.

THE "ELIGIBILITY LIMITATION" WILL HANDICAP AM BROADCASTERS BY LIMITING THEIR ACCESS TO AVAILABLE TRANSLATOR OUTLETS:

No doubt, most AM broadcasters applaud the Commission's decision to permit their use of the FM translator as an additional technical tool. Now, just let them find one that's available! Petitioner believes the "eligibility limitation" imposed by the R & O and now embodied in Section 74.1232(d) of the Rules, that which limits AM rebroadcast only to those translators authorized on or before May 1, 2009, severely handicaps AM licensees in their securing appropriate retransmission facilities now and in the future. Furthermore, Petitioner believes this eligibility constraint will disproportionately impact the smaller "stand alone" broadcaster, the operator who lacks an FM station from which he might "borrow" its translator facility, already licensed.

Each market is unique. But to attempt to prove his point, Petitioner will, for convenience, present data from the radio market of which he's most familiar, that of Ithaca, New York. Petitioner believes Ithaca stands fairly representative of a small-to-medium sized community with an active FM presence. FIGURE 1A, attached, is an FM Query printout, dated July 23, 2009, which lists all FM facilities and proposals within 25 kilometers of an arbitrary reference point near the city's center. FIGURE 1B is a photoexpanded portion of this printout on which various FM translator facilities and proposals are categorized in greater detail. FIGURE 1C lists current utilizations of FM translator facilities; eligible AM broadcast licenses and/or proposals (that is, potential candidates for FM translator rebroadcast); and a summary of translator availabilities.

As shown in FIGURE 1C, as many as five licensed or proposed AM stations (four licensed operations; and one pair of mutually-exclusive proposals) stand as potential buyers or renters of FM translator operations. But while as many as nineteen (19) licensed or proposed translator facilities exist in the market, as many as eight (8) of these nineteen would be made unavailable by the eligibility limitation 5/. Considering that another two (2) of the

5/ To establish a more realistic estimate of eventual authorized FM translator operations, Petitioner assumes each mutually-exclusive batch of translator applications will result in one licensed station.

nineteen translator facilities are in the reserved band, and therefore out of reach to the commercial AM broadcaster, only nine (9) of the existing or proposed FM translators on the FCC Ithaca database hold any prospect for AM use. What's more, it should be noted that six (6) of these nine are licensed as fill-in translators for locally-licensed FM stations.

It stands to reason that incumbent broadcasters are unlikely to relinquish their fill-in FM translators, especially to a competitor. While a consolidated broadcaster, one with both AM and FM holdings, might convert its "fill-in" to AM use, the struggling "stand-alone", the operator who arguably needs the most help, is frozen out of translator availabilities. Were soon-to-be authorized FM translators made available, the opportunities for "stand-alones" would greatly increase. In Ithaca, the benefits would be several-fold. Other markets would likely experience similar results.

From his own competitive standpoint, Petitioner would welcome adding an FM translator outlet as a technical resource to enhance the new AM station his company proposes. But under the current language of Section 74.1232(d), he could not even use one of his own two translators (presuming either is granted) for his own AM station! Should Petitioner's company's mutually-exclusive AM applicant secure the AM authorization instead, it, too, might seek to secure translator availabilities, equally out of reach. While two Ithaca AM stations remain part of a consolidated operation capable of "borrowing" its own FM translators for AM use (and has done so, to a limited extent, in the past), independent broadcasters, like stand-alone WPIE, would sadly find themselves powerless in accessing a competitive FM presence. Petitioner sees this double-standard as troubling.

Likewise, for the potential translator owner, Section 74.1232(d) ties his hands. Petitioner, in good faith, intends to make his proposed FM translators available to a non-commercial Public Radio broadcaster, and the broadcaster has authorized that retransmission. But circumstances change. The public broadcaster has pending applications of its own in the market. Eventually, it might choose to utilize its own translator or translators, rather than this Petitioner's. Should such occur, Petitioner would welcome the

flexibility of offering his translator or translators to others in the market, including the AM stations enumerated in the attached exhibit. He would prefer to, "shop local", before marketing this availability to another eligible party, such as another Public Radio station or a national ministry. Nevertheless, the current language of the revised Section 74.1232(d) severely restricts Petitioner's choices.

Finally, Petitioner acknowledges the text of the R&O holds open the possibility that the "eligibility limitation" will eventually be lifted. It states:

"In the longer term, we have already noted that LPFMs, not translators, will have the next opportunity to apply for new spectrum. After the LPFM window filing occurs, we can revisit the issue of expanding opportunities for AM stations to use FM translators." 6/

But, to state the obvious, the wheels of government (including the FCC) turn slowly! Short-form translator applications were filed in March 2003. Now, more than six years later, presumably hundreds of translator applications remain on the "backlog." Petitioner presumes no relaxation of the eligibility limitation would occur before all LPFM filings are resolved. And the LPFM window has yet to be scheduled. It could be a decade or more before Section 74.1232(d) is revisited, if at all. During that lengthy period, many struggling AM broadcasters, especially the "stand alones", could fail for lack of an FM translator, despite the existence of available spectrum and translator owners otherwise willing to provide it. Common sense dictates now, not later, is the time to relax the rule.

OPPORTUNITIES FOR COMPROMISE:

Petitioner believes he has made a strong case for the total elimination of the "eligibility limitation", now part of the revised Section 74.1232(d), which greatly restricts the number of new FM translators permitted to rebroadcast AM signals. But should the Commission conclude not all new translators should qualify, perhaps compromise is possible. As an alternative to the total ban on post-May 1, 2009 authorization eligibility, Petitioner

6/ See the "Report & Order", MM Docket No. 07-172, Paragraph 20.

offers the suggestion that only those FM translators authorized *or whose applicants submitted long-form construction permit applications* by May 1, 2009 (or alternatively, by the effective date of the REPORT AND ORDER), would be permitted to retransmit AM broadcasts. An even more restrictive standard would limit only those long-form applications *that had cleared cut-off* by the May 1, 2009 date (whether or not engineering or legal issues might remain) to be accorded the privileges of otherwise-authorized stations.

Many hundreds of short-form translator applications were submitted during the 2003 filing window, The Commission's backlog is great. Demands on staff are many. But those who tendered long-form applications in response to Commission directives may have anticipated (though they could claim no assurance) that their requested facilities might eventually be made available for AM retransmission. The Commission dictates the processing schedule. Applicants stand powerless to speed it up. Those applicants should not now be penalized for administrative delays.

CONCLUSION:

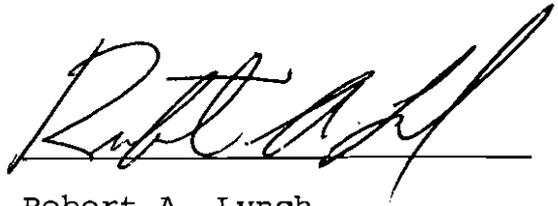
Petitioner is grateful the Commission has seen fit to place AM broadcasters on a more level playing field with their FM competitors by authorizing limited use of FM translators. Petitioner is proud to have advanced this concept of cross-band use in his company's Formal Comments to prior Rule Making proceedings in 1999 and 2006 7/. Petitioner welcomes the new technical flexibility authorized by the Commission's adoption of MB Docket No. 07-172. But the final order is imperfect. The eligibility limitation of Section 74.1232(d), that which restricts AM retransmission to only those FM translators authorized by construction permit on or before May 1, 2009, will, in Petitioner's opinion, greatly restrict the number of FM translators available to AM licensees, while according FM broadcasters and future LPFM applicants little, if any, tangible benefit. As such, the eligibility limitation seriously compromises the effectiveness of this Rule Making and unquestionably weakens an initiative AM owners and their supporters have devoted more than a decade to advance.

7/ See Formal Comment by Romar Communications Inc. in RM-9419; "Petition for Rulemaking to allow limited use of FM translators by AM broadcasters. Also Formal Comment by Romar Communications Inc. in RM No. 11338; Petition for Rulemaking of the National Association of Broadcasters.

By adopting the rule changes embodied in MM Docket No. 07-172, the Commission took a major step in assuring the continued viability of AM broadcasting. As such, it enhanced the Commission's ongoing objective of a radio spectrum that's local, competitive and diverse. The modifications advanced in this Petition would only serve to place a new valuable resource, the FM translator, into the hands of more AM operators who deserve it. As such, grant of this Petition would serve the Public Interest.

Respectfully submitted,

July 27, 2009

A handwritten signature in black ink, appearing to read 'Robert A. Lynch', written over a horizontal line.

Robert A. Lynch
Petitioner



Audio Division

FM Query Results

(202) 418-2700

FCC > MR > Audio Division > FM Query

AM Query TV Query

FCC site map

FM Query results are derived from the public files at <http://www.fcc.gov/mb/databases/cdbs>. Requests to correct data should be referred to Dale Bickel, dale.bickel@fcc.gov. Comments on the FM Query may be referred to Dale Bickel.

- This list is best printed in LANDSCAPE mode.
- Use the TEXT SIZE input on the FM Query page to change the text size in the list below, for easier printing or viewing.
- Click on the blue Call Sign or blue Facility ID Number to retrieve more detailed information from the FM Query, including access to the CBDS database records pertaining to that station.
- Records for stations outside the USA are derived from international notifications.
- The FCC does not collect information on the types of programming (jazz, talk, Top40, etc.) aired on radio broadcast stations, or about specific programs.
- License, application, and construction permit (CP) coordinates shown in the FM Query are NAD 27 coordinates.
- Antenna Structure Registration (ASR) coordinates are NAD 83.

Thu Jul 23 15:13:15 2009 Eastern time

Search Parameters

Search radius: 25.00 km
 Center lat / lon: N 42 28 0.00 W 76 30 0.00
 Lower Channel 200
 Upper Channel 300

Call	Channel	Class	Frequency	Status	City	State	Country	File Number	Docket	FacilityID	ERP	HAAT	Dist(km)	Dist(mi)	Azimuth	Licensee/Permittee	
W201CO	201	D	FX 88.1 MHz	LIC	LANSING	NY	US	BLPT-20021023AAM	-	-	88637	0.245 kW	0. m	3.78 km	2.35 mi	234.53°	ITHACA COMMUNITY RADIO, INC.
W205CB	205	D	FX 88.9 MHz	LIC	CAYUGA HEIGHTS	NY	US	BLPT-20050705ABD	-	-	121884	0.18 kW	0. m	3.84 km	2.39 mi	234.55°	FAMILY LIFE MINISTRIES, INC.
W1TH	211	A	FM 90.1 MHz	CP MOD	ITHACA	NY	US	BMPED-20080313ADP	-	-	86349	3. kW	-22. m	5.35 km	3.33 mi	172.52°	COLLEGES OF THE SENECA
WSQG-FM	215	B1	FM 90.9 MHz	LIC	ITHACA	NY	US	BLED-19880622KA	-	-	74054	5. kW	99. m	13.61 km	8.46 mi	340.28°	WSKG PUBLIC TELECOMMUNICATIONS COUNCIL
W1CB	219	A	FM 91.7 MHz	LIC	ITHACA	NY	US	BLED-20070413APA	-	-	29274	4.1 kW	41.3 m	5.36 km	3.33 mi	174.88°	ITHACA COLLEGE
NEW	222	D	FX 92.3 MHz	APP	DRYDEN	NY	US	BNPFT-20030310BAH	-	-	138895	0.01 kW	0. m	20.22 km	12.57 mi	71.17°	STATE UNIVERSITY OF NEW YORK
NEW	222	D	FX 92.3 MHz	APP	GROTON	NY	US	BNPFT-20030317KMG	-	-	151614	0.01 kW	0. m	18.91 km	11.75 mi	25.40°	CALVARY CHAPEL OF THE FINGER LAKES, INC.
NEW	222	D	FX 92.3 MHz	APP	ITHACA	NY	US	BNPFT-20030317LWD	-	-	157837	0.04 kW	0. m	4.11 km	2.56 mi	175.87°	DANIEL FELTZ
NEW	223	D	FX 92.5 MHz	APP	ITHACA	NY	US	BNPFT-20030826ALJ	-	-	138904	0.01 kW	0. m	16.51 km	10.26 mi	237.77°	STATE UNIVERSITY OF NEW YORK
NEW	225	D	FX 92.9 MHz	APP	ITHACA	NY	US	BNPFT-20030310BBE	-	-	138904	0.01 kW	0. m	16.51 km	10.26 mi	237.77°	STATE UNIVERSITY OF NEW YORK
WVBR-FM	228	A	FA 93.5 MHz	USE	ITHACA	NY	US	---	-	-	13909	- kW	- m	5.97 km	3.71 mi	135.61°	-
WVBR-FM	228	A	FM 93.5 MHz	LIC	ITHACA	NY	US	BLH-3713	-	-	13909	3. kW	76. m	5.97 km	3.71 mi	135.61°	CORNELL RADIO GUILD, INC.
NEW	235	D	FX 94.9 MHz	APP	ITHACA	NY	US	BNPFT-20030310BBA	-	-	138902	0.01 kW	0. m	16.51 km	10.26 mi	237.77°	STATE UNIVERSITY OF NEW YORK
NEW	235	D	FX 94.9 MHz	APP	ITHACA	NY	US	BNPFT-200303148CB	-	-	144458	0.015 kW	0. m	4.11 km	2.56 mi	175.87°	FMX BROADCASTING
W238AA	238	D	FX 95.5 MHz	LIC	ITHACA	NY	US	BLFT-19850611TB	-	-	18057	0.008 kW	-69. m	4.41 km	2.74 mi	178.52°	SAGA COMMUNICATIONS OF NEW ENGLAND, LLC
W1FZ	238	A	FM 95.5 MHz	LIC	ODESSA	NY	US	BLH-20080916ABN	-	-	36406	0.85 kW	265. m	16.54 km	10.28 mi	237.59°	ROI BROADCASTING, INC.
W238AA	240	D	FX 95.9 MHz	CP MOD	ITHACA	NY	US	BMPFT-20080910AAI	-	-	18057	0.002 kW	0. m	4.41 km	2.74 mi	178.52°	SAGA COMMUNICATIONS OF NEW ENGLAND, LLC
W238AA	240	D	FX 95.9 MHz	CP MOD	ITHACA	NY	US	BMPFT-20081030ACM	-	-	18057	0.25 kW	0. m	3.78 km	2.35 mi	238.99°	SAGA COMMUNICATIONS OF NEW ENGLAND, LLC
W242AB	242	D	FX 96.3 MHz	LIC	ITHACA	NY	US	BLFT-20050922AAL	-	-	20647	0.18 kW	0. m	3.84 km	2.39 mi	234.55°	FMX BROADCASTING
NEW	244	D	FX 96.7 MHz	APP	DANBY	NY	US	BNPFT-20030317KLE	-	-	151622	0.004 kW	0. m	14.95 km	9.29 mi	159.63°	CALVARY CHAPEL OF THE FINGER LAKES, INC.
NEW	244	D	FX 96.7 MHz	APP	TRUMANSBURG	NY	US	BNPFT-20030317KIE	-	-	151643	0.01 kW	0. m	19.39 km	12.05 mi	296.82°	CALVARY CHAPEL OF THE FINGER LAKES, INC.
WYXL	247	B	FA 97.3 MHz	USE	ITHACA	NY	US	---	-	-	18051	- kW	- m	10.44 km	6.49 mi	90.98°	-
WYXL	247	B	FM 97.3 MHz	LIC	ITHACA	NY	US	BLH-6385	-	-	18051	26. kW	268. m	10.44 km	6.49 mi	90.98°	SAGA COMMUNICATIONS OF NEW ENGLAND, LLC
NEW	249	D	FX 97.7 MHz	APP	MT PLEASANT	NY	US	BNPFT-20030317KCV	-	-	156452	0.001 kW	0. m	8.55 km	5.31 mi	103.37°	CALVARY CHAPEL OF THE FINGER LAKES, INC.
NEW	249	D	FX 97.7 MHz	APP	CAYUGA HEIGHTS	NY	US	BNPFT-20030829AMZ	-	-	156452	0.003 kW	0. m	8.55 km	5.31 mi	103.37°	CALVARY CHAPEL OF THE FINGER LAKES, INC.
W254BF	254	D	FX 98.7 MHz	LIC	ITHACA	NY	US	BLFT-20090710AHG	-	-	25006	0.035 kW	0. m	8.59 km	5.34 mi	166.02°	CC LICENSES, LLC
W262AD	262	D	FX 100.3 MHz	LIC	ITHACA	NY	US	BLFT-20080924ACI	-	-	9429	0.25 kW	0. m	4.11 km	2.55 mi	176.51°	SAGA COMMUNICATIONS OF NEW ENGLAND, LLC
NEW	266	D	FX 101.1 MHz	APP	ITHACA	NY	US	SNPFT-20030313AGV	-	-	144440	0.01 kW	0. m	5.97 km	3.71 mi	135.61°	EDWARD L FARMER
NEW	266	D	FX 101.1 MHz	APP	RICHFORD	NY	US	BNPFT-20030317KHW	-	-	151600	0.01 kW	0. m	23.63 km	14.69 mi	107.68°	CALVARY CHAPEL OF THE FINGER LAKES, INC.
W269AW	269	D	FX 101.7 MHz	LIC	ITHACA	NY	US	BLFT-19870213TC	-	-	22657	0.009 kW	-49. m	5.84 km	3.63 mi	166.46°	FRIENDS OF WHHR - ITHACA
NEW	272	D	FX 102.3 MHz	APP	LANSING	NY	US	BNPFT-20030317AFE	-	-	150701	0.01 kW	0. m	7.63 km	4.74 mi	238.50°	ROBERT A LYNCH
NEW	272	D	FX 102.3 MHz	APP	EAST ITHACA	NY	US	BNPFT-20030317KHO	-	-	151608	0.01 kW	0. m	5.97 km	3.71 mi	135.61°	CALVARY CHAPEL OF THE FINGER LAKES, INC.
W277BS	277	D	FX 103.3 MHz	LIC	ITHACA	NY	US	BLFT-20080924ACL	-	-	24216	0.25 kW	0. m	4.11 km	2.55 mi	176.51°	SAGA COMMUNICATIONS OF NEW ENGLAND, LLC
WQNY	279	B	FA 103.7 MHz	USE	ITHACA	NY	US	---	-	-	32390	- kW	- m	16.52 km	10.26 mi	237.54°	-
WQNY	279	B	FM 103.7 MHz	LIC	ITHACA	NY	US	BLH-20021028AAR	-	-	32390	15.5 kW	268. m	16.52 km	10.26 mi	237.54°	SAGA COMMUNICATIONS OF NEW ENGLAND, LLC
W281AT	281	D	FX 104.1 MHz	LIC	WATKINS GLEN	NY	US	BLFT-20080918AAB	-	-	151635	0.01 kW	0. m	16.73 km	10.40 mi	236.12°	CALVARY CHAPEL OF THE FINGER LAKES, INC.
NEW	283	D	FX 104.5 MHz	APP	ITHACA	NY	US	BNPFT-20030317KJC	-	-	157181	0.18 kW	0. m	3.84 km	2.39 mi	234.55°	ROBERT A LYNCH
NEW	283	D	FX 104.5 MHz	APP	ITHACA	NY	US	BNPFT-20080620ADO	-	-	157181	0.01 kW	0. m	5.97 km	3.71 mi	135.61°	ROBERT A LYNCH
W288AS	288	D	FX 105.5 MHz	LIC	ITHACA	NY	US	BLFT-19850930TG	-	-	13910	0.007 kW	-94. m	3.37 km	2.10 mi	207.36°	CORNELL RADIO GUILD, INC.
W299BI	299	D	FX 107.7 MHz	LIC	ITHACA	NY	US	BLFT-20081015AAZ	-	-	138598	0.099 kW	0. m	4.82 km	2.99 mi	182.17°	ROI BROADCASTING, INC.
W299BI	299	D	FX 107.7 MHz	CP	ENFIELD	NY	US	BPFT-20090415ABQ	-	-	138598	0.014 kW	0. m	16.54 km	10.28 mi	237.59°	ROI BROADCASTING, INC.

*** 41 FM Records within 25.00 km distance of 42° 28' 0.00" N, 76° 30' 0.00" W ***

Related Nonbroadcast Facilities: ULS Search

FIGURE 1A

FIGURE 1B

FM FACILITIES & PROPOSALS WITHIN 25 KM. OF ITHACA, NY

(Source: FCC FM Query; July 23, 2009)

Call	Channel	Class	Frequency	Status	City	State	Country	File Number	Docket	FacilityID	
W201CD	201	D	88.1 MHz	LIC	LANSING	1	NY US	BLFT-20021023AAM	-	-	88637
W205CB	205	D	88.9 MHz	LIC	CAYUGA HEIGHTS	1	NY US	BLFT-20050705ABD	-	-	121884
WITH	211	A	90.1 MHz	CP MOD	ITHACA		NY US	BMPED-20080313ADP	-	-	86349
WSQG-FM	215	B1	90.9 MHz	LIC	ITHACA		NY US	BLED-19880622KA	-	-	74054
WICB	219	A	91.7 MHz	LIC	ITHACA		NY US	BLED-20070413AFA	-	-	29274
NEW	222	D	92.3 MHz	APP	DRYDEN	6	NY US	BNPFT-20030310BAH	-	-	138895
NEW	222	D	92.3 MHz	APP	GROTON	6	NY US	BNPFT-20030317KMG	-	-	151614
NEW	222	D	92.3 MHz	APP	ITHACA	6	NY US	BNPFT-20030317LWD	-	-	157837
NEW	223	D	92.5 MHz	APP	(L) ITHACA	5	NY US	BNPFT-20030826ALJ	-	-	138904
NEW	225	D	92.9 MHz	APP	(S) ITHACA	(Dup)	NY US	BNPFT-20030310BBE	-	-	138904
WVBR-FM	228	A	93.5 MHz	USE	ITHACA		NY US	---	-	-	13909
WVBR-FM	228	A	93.5 MHz	LIC	ITHACA		NY US	BLH-3713	-	-	13909
NEW	235	D	94.9 MHz	APP	ITHACA	6	NY US	BNPFT-20030310BBA	-	-	138902
NEW	235	D	94.9 MHz	APP	ITHACA	6	NY US	BNPFT-20030314BCB	-	-	144458
W238AA	238	D	95.5 MHz	LIC	ITHACA	2	NY US	BLFT-19850611TB	-	-	18057
WFIZ	238	A	95.5 MHz	LIC	ODESSA		NY US	BLH-20080916ABN	-	-	36406
W238AA	240	D	95.9 MHz	CP MOD	ITHACA	4	NY US	BMPFT-20080910AAI	-	-	18057
W238AA	240	D	95.9 MHz	CP MOD	ITHACA	4	NY US	BMPFT-20081030ACM	-	-	18057
W242AB	242	D	96.3 MHz	LIC	ITHACA	3	NY US	BLFT-20050922AAL	-	-	20647
NEW	244	D	96.7 MHz	APP	DANBY	6	NY US	BNPFT-20030317KLZ	-	-	151622
NEW	244	D	96.7 MHz	APP	TRUMANSBURG	6	NY US	BNPFT-20030317KIE	-	-	151643
WYXL	247	B	97.3 MHz	USE	ITHACA		NY US	---	-	-	18051
WYXL	247	B	97.3 MHz	LIC	ITHACA		NY US	BLH-6385	-	-	18051
NEW	249	D	97.7 MHz	APP	(S) MT PLEASANT	5	NY US	BNPFT-20030317KCV	-	-	156452
NEW	249	D	97.7 MHz	APP	(L) CAYUGA HEIGHTS	(Dup)	NY US	BNPFT-20030829AMZ	-	-	156452
W254BF	254	D	98.7 MHz	LIC	ITHACA	2	NY US	BLFT-20090710AHG	-	-	25008
W262AD	262	D	100.3 MHz	LIC	ITHACA	2	NY US	BLFT-20080924ACI	-	-	9429
NEW	266	D	101.1 MHz	APP	ITHACA	6	NY US	BNPFT-20030313AGV	-	-	144440
NEW	266	D	101.1 MHz	APP	RICHFORD	6	NY US	BNPFT-20030317KMW	-	-	151600
W269AW	269	D	101.7 MHz	LIC	ITHACA	3	NY US	BLFT-19870213TC	-	-	22657
NEW	272	D	102.3 MHz	APP	LANSING	6	NY US	BNPFT-20030317AFE	-	-	150701
NEW	272	D	102.3 MHz	APP	EAST ITHACA	6	NY US	BNPFT-20030317KMO	-	-	151608
W277BS	277	D	103.3 MHz	LIC	ITHACA	2	NY US	BLFT-20080924ACL	-	-	24216
WQNY	279	B	103.7 MHz	USE	ITHACA		NY US	---	-	-	32390
WQNY	279	B	103.7 MHz	LIC	ITHACA		NY US	BLH-20021028AAR	-	-	32390
W281AT	281	D	104.1 MHz	LIC	WATKINS GLEN	3	NY US	BLFT-20080918AAB	-	-	151635
NEW	283	D	104.5 MHz	APP	(S) ITHACA	5	NY US	BNPFT-20030317KJC	-	-	157181
NEW	283	D	104.5 MHz	APP	(L) ITHACA	(Dup)	NY US	BNPFT-20080620ADO	-	-	157181
W288AS	288	D	105.5 MHz	LIC	ITHACA	2	NY US	BLFT-19850930TG	-	-	13910
W299BI	299	D	107.7 MHz	LIC	ITHACA	2	NY US	BLFT-20081015AAZ	-	-	138598
W299BI	299	D	107.7 MHz	CP	ENFIELD	4	NY US	BPFT-20090415ABQ	-	-	138598

Reserved Band

Non-Reserved Band

Key: Translator Status:

- 1: Translator in the reserved band; not available for commercial AM use.
- 2: Licensed commercial translator used for fill-in service by eligible FM licensee; Potentially available for commercial AM use.
- 3: Licensed translator used for non-fill-in service of a commercial or non-commercial FM station. Potentially available for commercial AM use.
- 4: Proposed or authorized modification of a licensed FM translator.
- 5: Translator application accepted for filing, but not yet granted. NOT eligible for AM use under the revised Section 74.1232(d).
- 6: Translator application received, but not yet accepted for filing; presumed mutually-exclusive; NOT eligible for AM use under the revised Section 74.1232(d).

MX: Mutually-exclusive translator batch.

(S):Short-form construction permit application subsequently superseded by Long-form application.

(L):Long-form construction permit application for New FM translator; pending.

CURRENT UTILIZATION OF LICENSED FM TRANSLATORS

Ithaca, New York
(Non-Reserved Band Only)

<u>Translator Call Sign</u>		<u>Retransmits</u>	<u>City of License</u>	<u>Co-Owned(?)</u>
W238AA	(fill-in)	WQNY(FM)*	Ithaca, NY	YES
W242AB		WLLW(FM)	Seneca Falls, NY	NO
W254BF	(fill-in)	WPHR-FM	Auburn, NY	YES
W262AD	(fill-in)	WIII(FM)	Cortland, NY	YES
W269AW		WMHR(FM)	Syracuse, NY	NO
W277BS	(fill-in)	WYXL (HD-2)	Ithaca, NY	YES
W281AT		WZXV(FM)	Palmyra, NY	YES
W288AS	(fill-in)	WVBR-FM	Ithaca, NY	YES
W299BI	(fill-in)	WFIZ(FM)	Odessa, NY	YES

* Note: W238AA is licensed to rebroadcast co-owned WQNY(FM). Within the past year, under Special Temporary Authorization, W238AA broadcast co-owned AM Station WHCU, Ithaca, NY. W238AA is presently off the air pending a facilities modification.

ELIGIBLE AM BROADCAST LICENSEES AND/OR PROPOSALS

Ithaca, New York
(Stations placing a 2 mV/m Daytime Contour over all or part of the applicable translator coverage area):

<u>AM Station Call Sign</u>	<u>City of License</u>	<u>Licensee</u>
WHCU	Ithaca, NY	Saga Communications of New England,
WYBY (formerly WKRT)	Cortland, NY	Bible Broadcasting Network, Inc.
WPIE	Trumansburg, NY	Pembrook Pines Ithaca Ltd.
WNYN	Ithaca, NY	Saga Communications of New England,
Prop. NEW** (See: BNP-20020522AAM)	Lansing, NY	Romar Communications Inc.
Prop. NEW** (See: BNP-20000201AEY)	South Hill, NY	KM Communications, Inc.

** Note: Applications BNP-20020522AAM (superseding BNP-19971126AH) and BNP-20000201AEY are mutually-exclusive.

SUMMARY OF FM TRANSLATOR AVAILABILITIES FOR AM BROADCASTERS

Ithaca, New York

- I. Reserved Band Translators UNAVAILABLE for Commercial AM Use: 2
- II. Non-Reserved Band FM Translators used for Fill-In Service by Local FM Licensees; POTENTIALLY available for AM use, But UNLIKELY for non-co-owned facilities: 6
- III. Licensed NON-Fill-In FM Translators POTENTIALLY available for AM Broadcast use: 3
- IV: Pending Translator Applications UNAVAILABLE for AM use under Section 74.1232(d). (MX App. Batches considered one Application): 8